

Minutes and Informal Instructions of the Open Meeting of
Thursday, April 3, 2008
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5-UI-115 – Investigation into the Adoption and Achievement of Increased Conservation and Energy Efficiency Goals

The Commission approved the Notice of Investigation and directed it be signed by the Secretary to the Commission on behalf of the Commission.

6055-NC-103 – Application of Sprint Communications Company L.P. to Expand Certification as an Alternative Telecommunications Utility

5911-NC-101 – Application of Time Warner Cable Information Services (WI), LLC to Expand Certification as an Alternative Telecommunications Utility

3484-NC-101 – Application of MCC Telephony of the Midwest, Inc. to Expand Certification as an Alternative Telecommunications Utility

The Commission considered the record in these cases and directed staff to prepare three draft final decisions consistent with the Commission's open meeting discussion. The decisions shall include findings as to the following:

The Commission finds that the applicants [Sprint Communications Company LLP (Sprint); Time Warner Cable Information Services (WI), LLC (TWCIS); and MCC Telephony of the Midwest, Inc. (MCC)] have the technical, managerial, and financial resources to provide the proposed offering.

The Commission finds that the applicants seek the entire territories of the small telecommunications utilities that intervened, including that of Lakefield Telephone Company. The certifications granted herein cover those territories.

The applicants individually propose to eventually each provide traditional, circuit-switched telecommunications services, and, more immediately, on a joint basis, Sprint with TWCIS and Sprint with MCC, Internet-protocol enabled (IP-enabled) voice service.

The Commission finds the IP-enabled voice service, as proposed, is not nomadic, but fixed, in character and thus is not subject to the Federal Communications Commission's Vonage Order's preemption of state jurisdiction. IP-enabled voice service in this instance is like ordinary telephone service in its numerous features, and thus may be certified by the Commission as a telecommunications service as defined in state law.

The Commission finds that the IP-enabled voice services are also telecommunications services under federal law. Therefore 47 U.S.C. § 253(a) of the Telecommunications Act of 1996, subject to the safe harbor provisions of § 253(b) of that Act, preempts as redundant the requirement in Wis. Stat. § 196.50(1)(b)2.d., that the Commission find the public convenience